



User Name: 2T75JBR

Date and Time: Thursday, May 20, 2021 9:25:00 AM EDT

Job Number: 144300484

Document (1)

1. [55 FR 9125](#)

Client/Matter: 91000-0010.2-5758

Search Terms: 55 FR 9125

Search Type: Natural Language

[55 FR 9125](#)

March 12, 1990

Rules and Regulations

Reporter

55 FR 9125

Federal Register > 1990 > March > March 12, 1990 > Rules and Regulations > **FEDERAL REGISTER**

Title: Approval and Promulgation of Implementation Plans; North Carolina; Miscellaneous SIP Revisions

Action: Final rule.

Agency

FEDERAL REGISTER

Identifier: [NC-041; FRL-3727-2]

Administrative Code Citation

40 CFR Part 52

Synopsis

SUMMARY: On July 14, 1989, the State of North Carolina submitted several different revisions to its State Implementation Plan (SIP). 15 NCAC 2D.0401, Purpose, was amended to clarify that no source of air pollution may cause or contribute to a violation of an ambient air quality standard. 2D.0404, Carbon Monoxide was revised to correspond to the federal standard. 2D.0501, Compliance with Emission Control Standards, was amended by adding an optional test method for particulate matter. 2D.0511 Particulates: SO 2 from Lightweight Aggregate Processes was amended by deleting the SO 2 emissions standard. 2D.0516, Sulfur Dioxide Emissions from Fuel Burning Installations was revised to clarify North Carolina's policy on sulfur dioxide emissions. 2D.0519, Control of Nitrogen Dioxide Emissions, was amended to supplement the current nitrogen dioxide emission standards for certain boilers. 2H.0601, Purpose and Scope, was amended to prohibit construction or operation without a permit. 2H.0603, Applications, was amended to streamline and facilitate the processing of permits. 2H.0606, Delegations of Authority was amended by changing one of the titles. Today, EPA is approving these revisions.

Text

SUPPLEMENTARY INFORMATION: On July 14, 1989, the State of North Carolina submitted several different regulations to EPA as SIP revisions. Revisions to Regulation 15 NCAC 2D.0104, .0530, .0531 and .0532 were addressed in a previous Federal Register notice.

This notice addresses the following regulations:

1. Regulation 15NCAC 2D.0401, Purpose.

This regulation did not expressly prohibit a source from violating an ambient standard, but the prohibition was implied. 2D.0401 has been amended to clarify that no source of air pollution may cause or contribute to a violation of any ambient air quality standard.

2. Regulation 15 NCAC 2D.0404, Carbon Monoxide.

The standards contained in this regulation have been revised to correspond to the federal standards by interchanging the parts-per-million limit with the milligram or microgram-per-cubic-meter limit. Also specified in 2D.0404 is the minimum amount of data needed to determine the validity of an average and to describe round-off procedures.

3. Regulations 15 NCAC 2D.0501, Compliance with Emission Control Standards.

An optional test method for particulate matter, Method 17, has been added. This revision is based on several sources' interest in using Method 17 in place of Method 5.

4. Regulation 15 NCAC 2D.0511, Particulate: SO₂ from Lightweight Aggregate Processes.

The sulfur dioxide emissions standard has been deleted. Sulfur dioxide emissions from lightweight aggregate processes will not be limited by 15 NCAC 2D.0516.

5. Regulation 15 NCAC 2D.0516, Sulfur Dioxide Emissions from Fuel Burning Installations.

The sulfur dioxide emission limit has been extended to cover all sources of combustion instead of just sources of fuel combustion. Also, the determination of sulfur dioxide emissions has been clarified to mean that when determining sulfur dioxide compliance, the sulfur contained in ore and in fuel is included. The North Carolina agency has been in disagreement over the interpretation of 2D.0511 with a lightweight aggregate manufacturer. The revisions to 2D.0511 and 2D.0516 clarify North Carolina's policy on sulfur dioxide emissions.

6. Regulation 15 NCAC 2D.0519, Control of Nitrogen Dioxide Emissions.

This regulation has been amended to supplement the current nitrogen dioxide emission standards for oil-fired, gas-fired, and coal-fired boilers with a capacity of 250 million BTU or more with nitrogen oxides emission standards. According to the revision, a boiler has to comply with both the nitrogen dioxide and the nitrogen oxides emission standards. Also added to 2D.0519 is a procedure to determine compliance when a boiler burns multiple fuels.

7. Regulation 15 NCAC 2H.0601, Purpose and Scope.

The amendment to 2H.0601 expressly prohibits the owner or operator of a source required to have a permit to begin construction or operation of a new source or to modify an existing source without first receiving a permit. The reference for complex source permit requirements has been updated to include the permit fee regulation.

8. Regulation 15 NCAC 2H.0603, Applications.

This regulation has been amended to streamline and facilitate the processing of permits. The amendment removed the requirement to have a public hearing before issuance of a permit that contains a condition requiring controls more stringent than the applicable emission standards in 2D.0500, Emission Control Standards, when such condition is necessary to protect the ambient air quality standards. Instead, such permit would be advertised and made available for public review and comment at least 30 days before issuance with an opportunity for a public hearing request.

9. Regulation 15 NCAC 2H.0606, Delegation of Authority.

The title "Assistant Chief for Permitting" has been changed to "Head of Permits and Operation Branch", the current title.

Final Action

Since the revisions to North Carolina regulations 2D.0401, 2D.0404, 2D.0501, 2D.0511, 2D.0516, 2D.0519, 2H.0601, 2H.0603, and 2H.0606 are consistent with EPA policy and requirements, they are hereby approved.

The public should be advised that this action will be effective May 11, 1990. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 11, 1990. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

Regulatory Process

Under the Regulatory Flexibility Act ([5 U.S.C. 605\(b\)](#)), EPA must assess the impact of proposed rules on small entities. These rules are equivalent to the federally approved State regulations and maintain the status quo. Sources have not been adversely affected by the State regulations; therefore the conclusion can be drawn that small sources in North Carolina will not be adversely affected by this decision.

This action has been classified as a table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 6, 1989. The Office of Management and Budget waived table 2 and 3 SIP revisions ([54 FR 2222](#)) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state

implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulations

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Incorporation by reference, Nitrogen dioxide, Particulate matter, Reporting, Recordkeeping requirements, Sulfur dioxide.

Note: Incorporation by reference of the State Implementation Plan for the State of North Carolina was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 8, 1989.

Lee A. DeHihns III,

Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52 -- [AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: [42 U.S.C. 7401](#)-7642.

Subpart II -- North Carolina

2. Section 52.1770 is amended by adding paragraph (c)(63) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(63) Miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on July 14, 1989.

(i) Incorporation by reference.

(A) Revisions to North Carolina Administrative Code which became State effective on October 1, 1989 are as follows:

2D.0401, Purpose, as amended

2D.0404, Carbon Monoxide, as amended

2D.0407, Nitrogen Dioxide, as amended

2D.0501, Compliance with Emission Control Standards, (c)(3)

2D.0511, Particulates from Lightweight Aggregate Processes, (d)

2D.0516, Sulfur Dioxide Emissions from Combustion Sources, (a)

2D.0519, Control of Nitrogen Dioxide and Nitrogen Oxides Emissions, as amended

2H.0601, Purpose and Scope, (a), (c), and (d)

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2H.0603, Applications, (d) and (e)

2H.0606, Delegation of Authority, as amended

11(ii) Additional material

11(A) Letter of July 14, 1989 submitting the SIP revisions

[FR Doc. 90-4812 Filed 3-9-90; 8:45 am]

BILLING CODE 6560-50-M

Dates

DATES: This action will be effective May 11, 1990, unless notice is received by April 11, 1990, that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

Contacts

ADDRESSES: Copies of the State's submittal are available for review during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

Air Quality Section, North Carolina Department of, Environment, Health and Natural Resources, Division of Environmental Management, 512 N. Salisbury Street, Raleigh, North Carolina 27611.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalyn D. Hughes of EPA Region IV at the above address and telephone number (404) 347-2864 or FTS 257-2864.

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